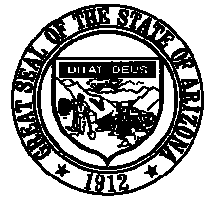




THE STATE OF ARIZONA  
**GAME AND FISH DEPARTMENT**

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**Governor**  
Janet Napolitano  
**Commissioners**  
Chairman, Susan E. Chilton, Arivaca  
W. Hays Gilstrap, Phoenix  
Joe Melton, Yuma  
Michael M. Golightly, Flagstaff  
Joe Carter, Safford  
**Director**  
Duane L. Shroufe  
**Deputy Director**  
Steve K. Ferrell



January 23, 2004

A public meeting of the Arizona Game and Fish Commission will be held on February 12-13, 2004, and as authorized by A.R.S. § 17-201(D), the Commission will discuss and may vote to take action on the following matters:

**Thursday, February 12, 2004, Arizona Game and Fish Commission at Mittry Lake, Yuma, Arizona.**

**Event begins at 5:00 p.m.**

The Commission may attend the Mittry Lake Ramada Dedication Ceremony. No official action will be taken.

**Friday, February 13, 2004, Arizona Game and Fish Commission at Old City Hall, 180 W. 1st Street, Yuma, Arizona.**

**Meeting begins at 8:00 a.m.**

**1. Executive Session**

- a. Sale or Lease of Real Property.** The Commission may vote to go into Executive Session to discuss, consult with, and instruct its attorneys and Department staff concerning negotiations for the sale or lease of real property and associated water rights pursuant to A.R.S. § 38-431.03 (A)(7).
- b. Legal Counsel.** The Commission may vote to meet in Executive Session in accordance with A.R.S. § 38-431.03 (A) (3) and (4) for the purpose of discussing and consulting with legal counsel in order to consider its position and to instruct legal counsel regarding the Commission's position on *State of Arizona v. Norton*, CIV02-0402 PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *In the Matter of Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et. al. v. Norton et. al.*, USDC D.C. 1:30-CV-00892 (RJL); and *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT.

**Public Session begins immediately following the Executive Session, but no later than 9:00 a.m.**

#### **Awards and Commissioning of Officers**

- 2. Presenter: Larry Voyles, Region IV Supervisor. Presentation by Charles Flynn, Executive Director of the Yuma Crossing National Heritage Area.** The Commission will be provided with an overview briefing of the Yuma East and West Wetlands Projects. No action will be taken by the Commission.
- 3. Litigation Report.** The Department's legal counsel may report on the status of the following litigation matters: *State of Arizona v. Norton*, CIV02-0402 PHX-FJM; *Montoya v. Manning*, 301 F.3d 985 (9<sup>th</sup> Cir. 2002); *In Re General Stream Adjudication for the Little Colorado River and Gila River*; *Mark Boge v. Arizona Game & Fish Commission & Shroufe*, CIV2000-020754; *Mary R. LLC, et. al. v. The Arizona Game & Fish Commission*, CIV2001-015313; *Ameduri and Yee et. al. v. U.S. Forest Service et al.*, U.S. District Court No. CIV 02 2495 PCT FJM; *Bar D Cattle Co. v. Shroufe*, CIV2002-0872; *In the Matter of Search Warrant No. CR 2002-2395SW*; *The Fund for Animals et. al. v. Norton et. al.*, USDC D.C. 1:30-CV-00892 (RJL); *Phelps Dodge Corp. v. Arizona Dept. of Water Resources*, LC2003-000243-001DT; and issues associated with potential litigation over the status of black-tailed prairie dogs and mountain plovers, and Mexican garter snake. A written report will also be available. The Commission may vote to take action on any case.
- 4. Presenter: Bob Broscheid, Acting Habitat Branch Chief. An Update on Current Issues, Planning Efforts, and Proposed Projects on State and Federal Lands in Arizona and Other Matters Related Thereto.** The Commission will be briefed on the latest developments relating to the implementation of land and resource management plans and projects on state and federal lands in Arizona and other matters related hereto. The update addresses decisions or activities since the January 16, 2004, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
- 5. Presenter: Bob Broscheid, Acting Habitat Branch Chief. Request for the Commission to Approve a Memorandum of Understanding Between the Arizona Game and Fish Commission, Arizona State Parks, City of Scottsdale, The Nature Conservancy, U.S. Army Corps of Engineers, Bureau of Land Management, Bureau of Reclamation, and the U.S. Fish and Wildlife Service Regarding Cooperation Within the Bill Williams River Watershed in Southwest Arizona.** The Commission will be asked to vote to approve a Memorandum of Understanding Between the Arizona Game and Fish Commission, Arizona State Parks, City of Scottsdale, The Nature Conservancy, U.S. Army Corps of Engineers, Bureau of Land Management, Bureau of Reclamation, and the U.S. Fish and Wildlife Service regarding cooperation within the Bill Williams River Watershed in Southwest Arizona.

6. **Presenter: Bob Broscheid, Acting Habitat Branch Chief. Request for Commission Approval to Renew a 10-Year Right-of-Way, No. 18-54247, and Right-Of-Way In Perpetuity for Access Across State Trust Land to the Commission-leased Sierra Vista Public Shooting Range.** The Commission will be asked to vote to approve the renewal of a 10-Year Right-of-Way, No. 18-54247, and a Right-of-Way in perpetuity for continued access across State Trust land to the Commission-leased Sierra Vista Public Shooting Range.
7. **Presenter: Kerry Baldwin, Education Branch Chief. Statewide Shooting Range Project Update.** The Commission will be provided a presentation on the status of various statewide shooting range issues and projects. The update addresses decisions or activities since the January 16, 2004, Commission meeting. The Commission may vote to take action on, or provide the Department direction on, items covered in the update.
8. **Presenter: Anthony Guiles, Legislative Liaison. State and Federal Legislation.** The Commission will be briefed on the status of State and Federal legislation. The Commission may vote to take a position or provide direction to the Department for coordination, action, or proposed changes to legislation or other elective issues related to Department responsibilities.
9. **Presenter: Mark E. Naugle, Rules and Risk Manager. Request to Approve the Notice of Proposed Rulemaking and the Preliminary Economic, Small Business, and Consumer Impact Statement for Amendments to R12-4-102, Fees for Licenses, Tags, Stamps, and Permits, to Increase Fees Where Applicable to the Maximum Allowed by Statute.** The Commission will be asked to vote to approve the Notice of Proposed Rulemaking and the preliminary economic, small business, and consumer impact statement for amendments to R12-4-102, Fees for Licenses, Tags, Stamps, and Permits, to increase fees where applicable to the maximum allowed by statute, to be filed with the Secretary of State.
10. **Presenter: Mark E. Naugle, Rules and Risk Manager. Request for Consideration of the Arizona Deer Association's Petition to Adopt a New Rule in Article III, Spotlighting at Night During Big Game Season.** The Commission will be asked to take action on the petition from the Arizona Deer Association requesting the adoption of a new rule in Article III, Spotlighting at Night During Big Game Season, that would further restrict the use of spotlights during big game seasons.
11. **Presenter: Tice Supplee, Game Branch Chief. Hearing on Proposed Amendment to Commission Order 29 for Special Big Game License-Tag Season for Black Bear for 2004-2005.** The Department will request that the Commission vote to approve an amendment to Commission Order 29: Special Hunts, establishing season dates and open areas for black bear in accordance with A.R.S. 17-346.
12. **Presenter: Dana Yost, Executive Staff Assistant. Possible Date Change and Location Designation for the September 2004 Commission Meeting.** The Commission may vote to change the scheduled date of the September 2004 Commission meeting to resolve a scheduling conflict with the IAFWA Annual Conference. The Commission may also vote to designate a location for the September 2004 Commission meeting.

- 13. Presenter: Duane L. Shroufe. Commissioner Committee Appointments.** The Commission will be asked to vote to appoint individual Commissioners to the following standing committees for 2004 through January 2005: Heritage Public Advisory Committee, Habitat Partnership Committee, Landowner-Lessee/Sportsman's Relations Committee, Shooting Range Economic Development Committee, and Wildlife Assets Committee.
- 14. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Request for the Commission Approval of the Program Narrative for U.S. Coast Guard Boating Safety Funds (Federal FY 2004 / State FY 2005).** The Commission will be asked to vote to approve the Department's U.S. Coast Guard funding pursuant to the Federal Boating Safety Act of 1971. Funds will be used in the State FY 2005 to supplement the Department's watercraft efforts in areas of law enforcement, administration, information, education, aids to navigation and watercraft registration.
- 15. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.
- 16. Presenter: Leonard L. Ordway, Law Enforcement Branch Chief. Hearings on License Revocations for Violation of Game and Fish Codes and Civil Assessments for the Illegal Taking and/or Possession of Wildlife at Time Certain 1:30 p.m.** The Commission will consider and take action on the Department's recommendations for license revocations and/or civil assessments for the individuals listed below.

<u>Name</u>	<u>Conviction</u>
Villarreal, Misael E.	Count A: Possess wildlife unlawfully taken (antelope).
Coronesi, Louis J.	Count A: Take wildlife without a license (reptiles). Count B: Possess wildlife unlawfully taken (diamondback rattlesnake). Count C: Take wildlife during closed season (Gila Monster). Count D: Possess restricted live wildlife (Gila Monster).
Biscardi, Karla	Count A: Take wildlife without a license (reptiles). Count B: Possess restricted live wildlife (Gila Monster).

Tait, Max

Count A: Take wildlife with rifle during archery hunt only (spike mule deer).

Count B: Possess/transport unlawfully taken wildlife (spike mule deer).

Count C: Possess untagged big game (spike mule deer).

Tait, Jerry

Count A: Possess/transport unlawfully taken wildlife (spike mule deer).

**17. Call to the Public.** Those persons wishing to speak should complete a speaker's card and present it to the Host. Unless prior approval has been granted by the Chairman, comments will be limited to no more than three minutes. No discussion or action will be taken by the Commission. Any items requiring further discussion or action will be included on a future Commission meeting agenda.

**18. Director's and Chairman's Reports.** The Director and the Chairman will report on recent Department and Commission activities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

**19. Commissioners' Reports.** The Commissioners will report on their recent activities related to Game and Fish Commission duties and responsibilities. This item will be informational only and no action will be taken at this meeting. If further discussion is necessary, those items requiring discussion may be placed on a future Commission meeting agenda.

**20. Approval of Minutes** for January 16, 2004, and **Signing of Minutes** for December 4, 2003.

**21. Future Agenda Items.**

The agenda may be revised and additional items may be added prior to the meeting as authorized by A.R.S. §38-431.02. In that event, an addendum to the agenda will be noticed and posted prior to the meeting at Department offices. Commission agenda items not noticed for a specific time may be taken out of order.

Background materials provided to Commission members concerning public agenda items are available for public inspection at the main office of the Arizona Game and Fish Department at 2222 West Greenway Road, Phoenix, at Department regional offices in Pinetop, Flagstaff, Kingman, Yuma, Tucson, Mesa and at the meetings.

During the public meeting, the Commission will afford any person, his duly authorized representative, or both, the opportunity to present statements relating to agenda items, with or without the opportunity to present them orally.

The Commission may go into Executive Session for the purpose of obtaining legal advice from the Commission Attorneys on any of the above agenda items pursuant to A.R.S. § 38-431.03 (A) (3) & (4).

Persons with a disability may request a reasonable accommodation, such as a sign language interpreter, or this document in an alternative format, by contacting the AGFD Deputy Director, 2221 W. Greenway Road, Phoenix, Arizona 85023, 602-942-3000. Requests should be made as early as possible to allow time to arrange the accommodation.

The Arizona Game and Fish Department is responsible for managing Arizona's fish and wildlife resource as an enduring public trust. In addition, the Department is charged with promoting safe and responsible use of watercraft and off-highway vehicles. Funding is provided from the sale of licenses and permits; watercraft registration fees; federal excise taxes on firearms, fishing equipment, boats, and other sporting goods; State lottery revenues; donations on State income tax forms; and various contracts and grants. Department policy is set by the Arizona Game and Fish Commission, whose five members are appointed by the Governor.

*"Managing Today for Wildlife Tomorrow"*

A handwritten signature in black ink, reading "Duane L. Shroufe". The signature is fluid and cursive, with the first name "Duane" being the most prominent.

Duane L. Shroufe  
Director

DLS:dy